

SENTENCING COURTROOM MINUTE SHEETDATE May 8, 2024CASE NO. CR-22-00240-JDU.S.A. -v- RUI MAE WANGCOMMENCED 2:00 p.m.ENDED 4:15 p.m.TOTAL TIME 2 hours and 15 minutesJUDGE JODI W. DISHMANDEPUTY NYSSA VASQUEZREPORTER CASSY KERR

Plf. Counsel: Wilson McGarry, AUSA	Dft. Counsel: Cody Gilbert, CJA
Probation Officer: Alexis Maltz	Interpreter: Vivan Josh

SENTENCING MINUTE: Defendant appears in person with court-appointed counsel. Counsel for the Government moves to admit its Exhibits 1 through 6 and with no objection by defense counsel, the Court ADMITS Gov's. Exhibits 1 – 6. Counsel and Defendant confirm receipt and review of the Final Presentence Report and addendum. Defense counsel raises its out of time objection regarding the base offense level (paragraph 28) and with no objection by the government to it being resolved by this Court, the Court SUSTAINS the objection. The Court adopts and accepts the undisputed portions of the final presentence investigation report and the addendum as the findings of the Court for sentencing purposes subject to its rulings. The Court hears oral argument as to an appropriate sentence from both sides. Counsel for the government requests a sentence below the guideline range (specifically a sentence of 60 months' imprisonment followed by 2 years of supervised release). Counsel for Defendant requests a significant downward variance as set out in her Sentencing Memorandum. Defendant's statement heard. The Court GRANTS the request for a downward variance (but not to the extent sought by Defendant) and IMPOSES the sentence as shown below and as stated on the record.

Following the Court's imposition of the sentence, counsel for Defendant makes an oral motion to allow the Defendant to self-surrender and with no objection by the government, the Court GRANTS the oral motion, with the Defendant being subject to all previously imposed conditions and an additional condition of home detention.

- DEFENDANT IS SENTENCED TO CUSTODY OF BUREAU OF PRISONS FOR A TERM OF 42 MONTHS as to the 1-Count Superseding Information filed 03/14/2023.
- Upon expiration of sentence imposed herein, defendant shall serve a term of supervised release of 2 YEARS as to the 1-Count Superseding Information filed 03/14/2023.
- The 2-Count Indictment returned on June 21, 2022 is **DISMISSED** as to this defendant per order filed.
- Defendant must comply with the mandatory, standard, and special conditions of supervision that are set out in the Judgment in a Criminal Case.
- The court does not impose community service.
- Fine is hereby waived due to defendant's inability to pay such fine.
- Defendant ordered to pay Special Assessment fee of \$100.00 on Count(s) 1 for a total of \$100.00, due immediately.

- Recommended to participate in the Federal Bureau of Prisons Inmate Financial Responsibility Program at a rate determined by the Bureau of Prisons staff in accordance with the program.
- The Court also recommends that the defendant participate in all programs/classes/courses/treatment noted in the Judgment.
- Defendant advised that pursuant to the plea agreement, she waived the right to appeal or collaterally challenge the sentence imposed by the Court, except under limited circumstances. Defendant advised that to the extent the right of appeal survives the waiver in the plea agreement, the right to appeal from such judgment, sentence, and conviction is to the United States Court of Appeals for the Tenth Circuit. Defendant advised that she may apply for leave to appeal in forma pauperis if she qualifies.
- Execution of sentence stayed until 12:00 p.m., Thursday, June 6, 2024, at which time Defendant's court appearance bond will be exonerated. Defendant to remain on present bond and previously imposed conditions and added condition of home detention until she self-surrenders on 6/6/2024 at noon (Central Time) for service of sentence at the institution designated by the Bureau of Prisons.

Authorities cited by Court:

Statutes & Rules:

1. 18 U.S.C. §§ 3145, 3553
2. Fed. R. Crim. P. 32
3. Various U.S.S.G. provisions, commentary/notes, and policy statements